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WASHINGTON POST
10 February 1987

U.S. Moves On Israelis In Spy Case

Loss of Immunity, Indictment Possible

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The Justice Department has notified three Israelis that it is moving to revoke the immunity from prosecution they had been granted in the Jonathan Jay Pollard spy case, and has told a fourth Israeli that an investigation against him could lead to his indictment, according to knowledgeable sources.

The Israeli who was told in recent weeks he might be indicted, the sources said, is a senior Israeli Air Force commander, Aviem (Avi) Sella, who was Pollard's first "handler" in the United States.

The three other Israelis received letters from the Justice Department in the last two weeks, the sources said, informing them the department was moving to revoke their immunity. Truthful testimony is a condition of a grant of immunity and federal investigators believe that the three Israelis lied or withheld crucial information in the Pollard probe, sources said.

The prospect of criminal charges being filed against Israeli officials could add a further irritant to U.S.-Israeli relations, which have already been strained by disclosures of Israel's role in arranging U.S. arms sales to Iran in an attempt to free American hostages.

The Israeli government has repeatedly described the Pollard spy ring as a "renegade" operation run by lower-level officials, but a U.S. indictment could contradict that account by charging that the espionage was officially sanctioned by Jerusalem.

The four Israelis, who have been named as unindicted coconspirators in the case, are not expected to be tried in the United States, since the U.S. extradition treaty with Israel does not cover espionage offenses.

But an indictment of Sella or the others would effectively bar them from entering the United States, where they would risk arrest, and could tarnish their reputations at home.

Sella, identified by federal prosecutors as Pollard's first "handler" in the United States, is a celebrated brigadier general who commands a major Air Force base and is viewed as a possible future leader of the Israeli military. Sella was a graduate student at New York University in 1984 when he first made contact with Pollard, according to federal prosecutors.

The three Israelis whose immunity is being revoked are Rafael (Rafi) Eitan, a former terrorism adviser to two Israeli prime ministers; Joseph (Yossi) Yagur, a former science consul at Israel's New York consulate, and Irit Erb, a former secretary at the Israeli Embassy here.

Pollard, a former U.S. Navy intelligence analyst, pleaded guilty last June to selling U.S. military secrets to Israel. U.S. Attorney Joseph E. diGenova said in court papers that Pollard provided "thousands of pages" of classified U.S. documents to the Israelis, who allegedly paid him \$2,500 a month, financed lavish European vacations for him and his wife and promised him \$300,000 more in a Swiss bank account over 10 years.

Pollard's sentencing has been delayed until March 4 at his attorney's request. He faces a maximum penalty of life in prison and a \$250,000 fine. His wife, Anne Henderson-Pollard, is awaiting sentencing on lesser charges.

When contacted yesterday, DiGenova said, "This case is being handled as any other criminal case. We've been in regular contact with the four unindicted coconspirators for some time, and have been in direct contact through their attorneys. Those communications are continuing." He declined to comment further. Spokesmen for the Justice and State departments had no comment.

U.S. investigators were rebuffed in several attempts to question Sella about the Pollard case, on a 1985 fact-finding trip to Israel and last year in Washington. Sella's attorneys insisted that he first be given a sweeping grant of immunity from prosecution, which Justice Department officials refused to provide.

Instead, the department told Sella in a recent letter that it is no longer interested in talking to him and will proceed with the investigation, which could result in his indictment.

The department indicated some time ago that it might seek to revoke the immunity of Eitan, Yagur and Erb, who were interviewed early in the investigation. None of the Israelis told U.S. investigators about Sella's role in the espionage ring or of the arrangement to pay Pollard \$300,000 through a Swiss account, sources said. These details were learned only after Pollard began cooperating in the probe, the sources said.

The Justice Department, which has previously questioned the extent of Israeli cooperation in the case, has formally notified the Israeli ambassador here of the latest developments.

In his initial contacts with Pollard, Sella described "particular technical information which would be of primary interest to Israel and stressed that [Pollard] should obtain 'top secret' documents," according to diGenova's sentencing memo.

Sella told Pollard he would receive a "salary" from the Israelis and coached him on a "cover" story to explain his newfound wealth, prosecutors said. They said Sella taught Pollard other intelligence techniques, including a code system based on the Hebrew alphabet that Sella used to contact Pollard at pay telephones.

Eitan, now president of a state-run chemical company in Israel, assured Pollard that he would be "taken care of" if arrested and that any U.S. investigation of him could be "contained," according to Pollard's account to prosecutors.

Pollard told an Israeli reporter that he is a "loyal son" of Israel and described himself as "heartbroken" at his abandonment by the Israeli government.